

RUSTAM A. BARBEE #5655  
Attorney at Law  
1188 Bishop Street, Suite 2606  
Honolulu, Hawaii 96813  
Telephone: (808) 524-4406  
Facsimile: (808) 524-4306  
E-mail: Rustam.Barbee@gte.net

Attorney for Defendant  
ROBERT EISLER

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CR. NO. 04-00400 HG 05  
Plaintiff, )  
vs. ) MOTION TO DISMISS  
ROBERT EISLER, ) INDICTMENT  
Defendant. )  
)

## MOTION TO DISMISS INDICTMENT

COMES NOW the defendant, ROBERT EISLER, through counsel, Rustam A. Barbee, and moves this Honorable Court to order dismissal of the indictment.

This motion is made pursuant to Rule 12 of the Federal Rules of Criminal Procedure, Double Jeopardy Clause of the Eighth amendment to the U.S.

Constitution and is based upon the attached memorandum and declaration of counsel and upon such further evidence and argument which the Court receives at a hearing on this motion.

DATED: Honolulu, Hawaii, January 5, 2006.



---

RUSTAM A. BARBEE  
Attorney for Defendant  
ROBERT EISLER